APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/941,236	09/30/97	LUGUERN	J Q46923

LMC1/0602

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EXAMINER
BOAKYE, A

ART UNIT	PAPER NUMBER
2733	

DATE MAILED:

06/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

THE PERIOD FOR RESPONSE: [check only a) or b)]

a) ☐ expires _____ months from the mailing date of the final rejection.

b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on _May 10, 2000_ **has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:**

☐ The proposed amendment(s):

　☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

　☐ will not be entered because:

　　☐ they raise new issues that would require further consideration and/or search. (See note below).

　　☐ they raise the issue of new matter. (See note below).

　　☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

　　☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

　　NOTE: _____

　　_____

　　_____

☐ Applicant's response has overcome the following rejection(s):

_____

_____

☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
_"See attached sheets"._____

_____

☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _2 and 3_____

Claims rejected: _1, 4, and 5_____

☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ .

☐ Other

HUY D. VU
PRIMARY EXAMINER

Response to Arguments

1.   Applicant's arguments filed 5/10/2000 have been fully considered but they are not

persuasive.

A).   Applicant argues that Hanson et al does not teach transmitting the factor to a data-rate

management processor to control the rate at which the packets are sent upstream from the

multiplexing, wherein the factor is based on the length of the queue and the time taken to

transmit the factor to data-rate management processor to prevent the queue from overflowing

        The limitations cited above by the applicant have been canceled and that could not be

read into the amendment claim 1.

B).   Applicant argues that in order to satisfy claim 1, Hanson must teach a queue after the

multiplexing packets from source equipment, and must further teach the measurement of a factor

which is based on the rate at which packets are sent and which takes into account both the length

of the queue and the time required to send the factor to the data rate management processor.

        Hanson et al teaches the step wherein packets from the source node A" are multiplexed in

TM (block 112, in figure 1) and then transmitted through the destination node into the queue

block 205 in figure 2. The recitation "the measurement of the factor which is based on the rate

at which packets are sent and which takes into account both the length of the queue and the time

required to send the factor to the data rate management processor"is not cited in claim one.

C)   Applicant argues that Hanson et al does not discuss multiplexing.

Hanson teaches multiplexing because at the source node, packets entering the TM (block 112 in figure 1) are multiplexed through the link 120 as indicated in figure 1.

A methodology for combining more than one information stream into a single stream for transmission is termed multiplexing.

AB